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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,913	02/15/2005	Charles Daniel	024794-00003	3635

4372 7590 04/14/2006

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EXAMINER	
NEWTON, JARED W	
ART UNIT	**PAPER NUMBER**
3634	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,913	DANIEL, CHARLES	
	Examiner	Art Unit	
	Jared W. Newton	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-28* is/are rejected.

7)☒ Claim(s) *16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This final rejection is in reply to the remarks filed February 8, 2006, by which claims 1-6, 8, and 11 were amended, claims 13-28 were added, and claim 12 was cancelled.

Drawings

The drawings were received on February 8, 2006. These drawings are in compliance with the Drawing requirements.

Claim Objections

Claim 16 is objected to because of the following informalities:

- "claims" should be changed to --claim-- in Line 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-11, 15-17, and 19-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,527,406 to Slesinger et al.

In regard to claims 1, 15, and 21 Slesinger et al. disclose a powered modular furniture assembly comprising: at least two shelves 18; a support structure 210 having at least two support members 12 that serve to support the shelves in a back-to-back arrangement (see FIG. 23b); and an electrical light component mounted on or in each shelf (see Column 4, Line 29); at least one of the support members 12 being arranged to provide two discrete electrically conductive paths 44a,44b, at least one of which is electrically connected to the electrical component on one of said shelves to form part of an electrical circuit to power the electrical component on that shelf, the electrical component on the other said shelf being electrically connected to the same or a further electrically conductive path to power the electrical component on said other shelf (see FIG. 23b). Slesinger et al. recite, "Yet another embodiment of vertical member 12 is shown in FIG. 5, wherein outer member 39 includes extensions 49a-49c defining a pair of adjacent openings 47a and 47b. Conductors 44a and 44b are mounted into slots 48 located on the inside of, and set back from openings 47a and 47b. This embodiment of vertical member 12 may thus provide multiple voltages or multiple voltage polarities in a single vertical member. For example, conductors 44a and 44b may be coupled in an electric circuit so that conductor 44a is the hot or live side of the circuit and conductor 44b is the ground, or return, side of the circuit." (See Column 6, Line 39-49).

In regard to claims 2 and 17, Slesinger et al. further discloses said discrete paths 44a and 44b being electrically connected to at least one of said components, one to either pole of the component, said conductive paths also being connected to respective poles of a power supply to complete the electrical circuit to power said component (see

FIG. 5—path 44a defines a positive pole, and path 44b defines a negative pole). Slesinger et al. further disclose said conductors 44 being connected to a low voltage power supply (amplifier) 15 via wires 17 (see FIG. 1).

In regard to claims 4, 15, 19, and 23 Slesinger et al. further disclose at least one support member 12 having a main supporting structure 39 that is electrically conductive and serves as one of said electrically conductive paths, and an electrically conductive element 44 carried by and electrically insulated from the main supporting structure of the support member 12 serving as the other of said electrically conductive paths (see FIG. 2). Slesinger et al. recite, "Preferably, outer member 39 and end cap 41 are manufactured from aluminum, steel, or other suitable material, and...have a powder or plastic-dipped coating to electrically insulate vertical member 12 from other components of the modular furniture system...Conductor 44 is disposed immediately behind outer member 39, and is preferably composed of a conductive material, such as brass or copper" (see Columns 4, Line 50 - Column 5, Line 1). The conductive steel or aluminum is capable of serving as one path, and the conductive copper or brass is capable of serving as said other path.

In regard to claims 5 and 20, Slesinger et al. further disclose said electrically conductive element 44 as disposed within said supporting structure 39 (see FIG. 2).

In regard to claims 6 and 24, Slesinger et al. further disclose at least one support member 12 having a main supporting structure 39 and said two electrically conductive paths are provided by a pair of electrically conductive elements 44a,44b insulated from

one another and carried by said main supporting structure 39 of the support member 12 (see FIG. 5) (see Column 6, Lines 39-49).

In regard to claims 7 and 25, Slesinger et al. disclose said pair of elements 44a,44b as housed within said main supporting structure (see FIG. 5).

In regard to claim 8, Slesinger et al. disclose two or more shelves of the system having electrical components mounted thereon, and sharing the same paths (see FIG. 23b). As shown in Figure 23b, shelves 18 are attached to system 210 comprising supports 12 including internal conductor elements 44. Shelves 18 share paths formed by said elements 44.

In regard to claim 9, Slesinger et al. further show two or more shelves 18 mounted one above the other (see FIG. 23b).

In regard to claim 10, Slesinger et al. further show shelves 18 in a back-to-back arrangement, wherein a first shelf 18 on one side of display 210 shares a common support with a second shelf 18 on an opposite side of display 210 (see FIG. 23b).

In regard to claims 11, 16, and 22 Slesinger et al. further disclose said electrical component being a lamp (see Column 4, Lines 28-30).

In regard to claims 26-28, Slesinger et al. further disclose said power supply as a low voltage amplifier 15 (see FIG. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over '406 to Slesinger et al., alone.

Slesinger et al. disclose an assembly comprising the limitations of claims 1 and 5 as set forth above, but do not disclose:

a. At least two pairs of shelves mounted in a back-to-back orientation (Claim 3);

b. One of said two discrete paths being electrically connected to the electrical component mounted on a shelf of one of said pairs of shelves it supports and the other being electrically connected to the electrical component on the other shelf of said pair to form respective parts of electrical circuits to power the electrical components on the two shelves of the pair (Claims 3 and 18);

c. The shelves of said other pair being connected to respective ones of said electrically conductive paths to power their respective electrical components (Claim 13);

d. Said at least one support member comprising a further two discrete paths connected to respective ones of said other pair of shelves to power their components (Claim 14);

With respect to a, Slesinger et al. disclose shelves in a back-to-back orientation as shown in Figure 23b. Slesinger et al. show two shelves (first pair) disposed on the rear of display 210, and one shelf (half of a second pair) disposed on the front of display 210. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide two shelves on the front of display 210, so that said display comprises first and second pairs of shelves. Slesinger et al. disclose multiple aligned slots 42 and 46 in support members 12, said slots for receiving brackets 23, suggesting the desirability of multiple shelving configurations. The motivation for providing a shelving configuration comprising two pairs of shelves disposed in a back-to-back orientation would be to store a large amount of items on said shelves in a uniform and visually pleasing manner in a retail environment.

With respect to b-c, Slesinger et al. disclose two discrete paths, 44a and 44b, as set forth above. Slesinger et al. further disclose support members 12 supporting shelves, wherein a single support member 12 may support a plurality of shelves as shown in Figure 23b. Slesinger et al. disclose the desirability of providing multiple paths in one support member, as well as supporting multiple shelves with one support member. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use one of said discrete paths 44a to electrically connect to the

electrical component mounted on a shelf of one of said pairs of shelves it supports, and the other to the component on the other shelf of said pair to form respective parts of electrical circuits to power the electrical components on the two shelves of the pair. The motivation would have been to provide power to multiple shelves while maintaining aesthetic appeal by using a few supports as possible, while still providing power to any desired shelf configuration.

With respect to d, it is noted that an invention providing a plurality of a disclosed element or elements of a known invention does not lend patentable weight to the first invention over the known invention. *See In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).* Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies in the joint, and a plurality of "ribs" projecting outwardly from each side of the web into one of the adjacent concrete slabs. The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. Slesinger et al. disclose two discrete paths, and thus the inclusion of two additional paths does not present patentable weight over the Slesinger et al. reference.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over '406 to Slesinger et al., and further in view of US Patent No. 5,396,027 to Zemen Jr.

With respect to d, Zemen Jr. discloses an electrical system 20 comprising support members 40, a plurality of busbars 62 disposed within said support members 40, and a cover 66 to insulate said busbars. Slesinger et al. disclose the desirability to support multiple electrically equipped shelves with a single support member. For instance, Figure 23b to Slesinger et al. shows a central support member supporting at least three shelves 18. Zemen Jr. provides a means for supporting multiple conductive paths, capable of powering multiple devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least four total discrete paths via busbars, as set forth by Zemen Jr., within one of the support members disclosed by Slesinger et al. The motivation would have been that as suggested by both Slesinger et al. and Zemen Jr., to provide a means of powering multiple electrical components within a single support. Further motivation would be that as suggested by Slesinger et al.—to provide a means of powering multiple electrical devices while maintaining a pleasing aesthetic appearance.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The rejections based on the Slesinger et al. reference have been modified to meet the amendments to the claims. The Zemen Jr. reference has been cited to address the limitations of new claim 14.

The objection regarding the reference characters L and N has been withdrawn. Applicant is thanked for his clarification of the characters.

The 35 U.S.C. 112 rejections to claims 5 and 7 have been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared W. Newton
April 4, 2006
JWN

RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER

Replacement Sheet
Docket No: 025538-00056
U.S. Application Serial No: 10/501,913
Inventor: Charles DANIEL
Title: Shelving

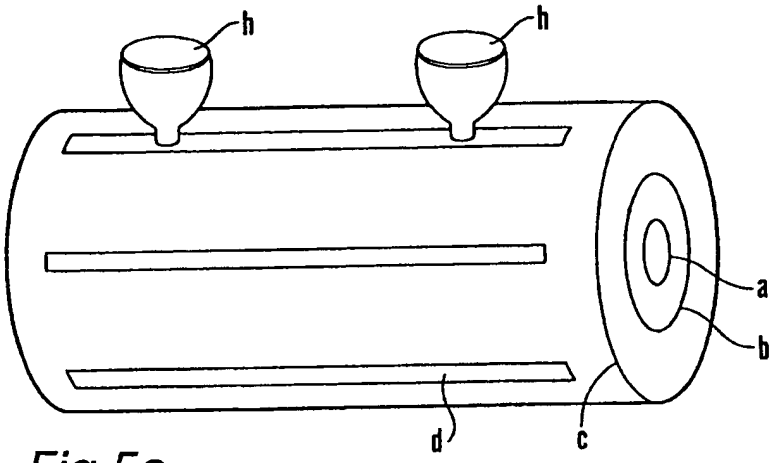

Fig.5a

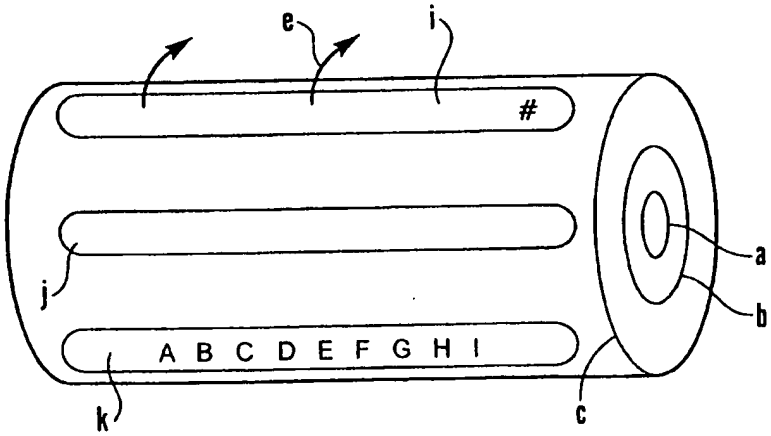

Fig.5b

Drawing Corrections
Approved
04/03/2006